



General Assembly

January Session, 2001

Committee Bill No. 5535

LCO No. 3159

Referred to Committee on Education

Introduced by:
(ED)

**AN ACT CONCERNING THE SPECIAL EDUCATION EXCESS COST
AND EQUITY GRANTS.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 10-76g of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) (1) For the fiscal year ending June 30, 1984, and each fiscal year
4 thereafter, in any case in which special education is being provided at
5 a private residential institution, including the residential components
6 of regional educational service centers, to a child for whom no local or
7 regional board of education can be found responsible under subsection
8 (b) of section 10-76d, the Department of Children and Families shall
9 pay the costs of special education to such institution pursuant to its
10 authority under sections 17a-1 to 17a-26, inclusive, 17a-28 to 17a-50,
11 inclusive, and 17a-52. (2) For the fiscal year ending June 30, 1993, and
12 each fiscal year thereafter, any local or regional board of education
13 which provides special education and related services for any child (A)
14 who is placed by a state agency in a private residential facility or who
15 is placed in a facility or institution operated by the Department of
16 Children and Families and who receives such special education at a

17 program operated by a regional education service center or program
18 operated by a local or regional board of education, and (B) for whom
19 no local or regional board of education can be found responsible under
20 subsection (b) of section 10-76d, shall be eligible to receive one
21 hundred per cent of the reasonable costs of special education for such
22 child as defined in the regulations of the State Board of Education. Any
23 such board eligible for payment shall file with the state Department of
24 Education, in such manner as prescribed by the Commissioner of
25 Education, annually, on or before December first a statement of the
26 cost of providing special education for such child, provided a board of
27 education may submit, not later than February first, claims for
28 additional children or costs not included in the December filing.
29 Payment by the state for such costs shall be made to the local or
30 regional board of education as follows: Seventy-five per cent of the
31 cost in February and the balance in April.

32 (b) Any local or regional board of education which provides special
33 education pursuant to the provisions of sections 10-76a to 10-76g,
34 inclusive, for any exceptional child described in subparagraph (A) of
35 subdivision (5) of section 10-76a, under its jurisdiction, excluding (1)
36 children placed by a state agency for whom a board of education
37 receives payment pursuant to the provisions of subdivision (2) of
38 subsection (e) of section 10-76d, and (2) children who require special
39 education, who reside on state-owned or leased property or in
40 permanent family residences, as defined in section 17a-154, and who
41 are not the educational responsibility of the unified school districts
42 established pursuant to sections 17a-37, 17a-240 and 18-99a, shall be
43 financially responsible for the reasonable costs of special education
44 instruction, as defined in the regulations of the State Board of
45 Education, in an amount equal to [five] three times the average per
46 pupil educational costs of such board of education for the prior fiscal
47 year, determined in accordance with the provisions of subsection (a) of
48 section 10-76f. The State Board of Education shall pay on a current
49 basis any costs in excess of the local or regional boards' basic
50 contribution paid by such board in accordance with the provisions of

51 this subsection. Any amounts paid by the State Board of Education on
52 a current basis pursuant to this subsection shall not be reimbursable in
53 the subsequent year. Application for such grant shall be made by filing
54 with the Department of Education, in such manner as prescribed by
55 the commissioner, annually on or before December first a statement of
56 the cost of providing special education pursuant to this subsection,
57 provided a board of education may submit, not later than February
58 first, claims for additional children or costs not included in the
59 December filing. Payment by the state for such excess costs shall be
60 made to the local or regional board of education as follows: Seventy-
61 five per cent of the cost in February and the balance in April. The
62 amount due each town pursuant to the provisions of this subsection
63 shall be paid to the treasurer of each town entitled to such aid,
64 provided the treasurer shall treat such grant, or a portion of the grant,
65 which relates to special education expenditures incurred in excess of
66 such town's board of education budgeted estimate of such
67 expenditures, as a reduction in expenditures by crediting such
68 expenditure account, rather than town revenue. Such expenditure
69 account shall be so credited no later than thirty days after receipt by
70 the treasurer of necessary documentation from the board of education
71 indicating the amount of such special education expenditures incurred
72 in excess of such town's board of education budgeted estimate of such
73 expenditures.

74 [(c) Commencing with the fiscal year ending June 30, 1996, and for
75 each fiscal year thereafter, within available appropriations, each town
76 whose ratio of (1) net costs of special education, as defined in
77 subsection (h) of section 10-76f, for the fiscal year prior to the year in
78 which the grant is to be paid to (2) the product of its total need
79 students, as defined in section 10-262f, and the average regular
80 program expenditures, as defined in section 10-262f, per need student
81 for all towns for such year exceeds the state-wide average for all such
82 ratios shall be eligible to receive a supplemental special education
83 grant. Such grant shall be equal to the product of a town's eligible
84 excess costs and the town's base aid ratio, as defined in section 10-262f,

85 provided each town's grant shall be adjusted proportionately if
86 necessary to stay within the appropriation. Payment pursuant to this
87 subsection shall be made in June. For purposes of this subsection, a
88 town's eligible excess costs are the difference between its net costs of
89 special education and the amount the town would have expended if it
90 spent at the state-wide average rate.]

91 Sec. 2. (NEW) For the fiscal years ending June 30, 2002, to June 30,
92 2005, inclusive, if a school district is eligible to receive less funding
93 pursuant to subsection (b) of section 10-76g of the general statutes, as
94 amended by this act, than such school district received under
95 subsections (b) and (c) of section 10-76g of the general statutes,
96 revision of 1958, revised to 2001, for the fiscal year ending June 30,
97 2001, such school district shall receive an equity phase-out grant
98 pursuant to this section. (1) For the fiscal year ending June 30, 2002, the
99 amount of such grant shall be equal to eighty per cent of the difference
100 between the amount that the school district is eligible to receive
101 pursuant to subsection (b) of section 10-76g of the general statutes, as
102 amended by this act, and the amount such school district received
103 pursuant to subsections (b) and (c) of section 10-76g of the general
104 statutes, revision of 1958, revised to 2001, for the fiscal year ending
105 June 30, 2001. (2) For the fiscal year ending June 30, 2003, the amount
106 of such grant shall be equal to sixty per cent of the difference between
107 the amount that the school district is eligible to receive pursuant to
108 subsection (b) of section 10-76g of the general statutes, as amended by
109 this act, and the amount such school district received pursuant to
110 subsections (b) and (c) of section 10-76g of the general statutes,
111 revision of 1958, revised to 2001 for the fiscal year ending June 30,
112 2001. (3) For the fiscal year ending June 30, 2004, the amount of such
113 grant shall be equal to forty per cent of the difference between the
114 amount that the school district is eligible to receive pursuant to
115 subsection (b) of section 10-76g of the general statutes, as amended by
116 this act, and the amount such school district received pursuant to
117 subsections (b) and (c) of section 10-76g of the general statutes,
118 revision of 1958, revised to 2001, for the fiscal year ending June 30,

119 2001. (4) For the fiscal year ending June 30, 2005, the amount of such
120 grant shall be equal to twenty per cent of the difference between the
121 amount that the school district is eligible to receive pursuant to
122 subsection (b) of section 10-76g of the general statutes, as amended by
123 this act, and the amount such school district received pursuant to
124 subsections (b) and (c) of section 10-76g of the general statutes,
125 revision of 1958, revised to 2001, for the fiscal year ending June 30,
126 2001.

127 Sec. 3. This act shall take effect July 1, 2001.

Statement of Purpose:

To eliminate the special education equity grant. To reduce the threshold for the special education excess cost grant from five times to three times the average educational cost of the school district. To provide an equity phase out grant for school district that would receive less funding as a result of such changes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. WARD, 86th Dist.; REP. BELDEN, 113th Dist.
REP. FLAHERTY, 68th Dist.; REP. CAFERO, 142nd Dist.
REP. FREY, 111th Dist.; REP. HEAGNEY, 16th Dist.